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8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

11 \*\*\*

12 MARILYNN BIANCHI-ROSSI,

13 Plaintiff,

14 vs.

15 STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY dba STATE  
16 FARM; DOES 1 through 10; and ROE  
CORPORATIONS 1 through 10,

17 Defendants.

CASE NO.: 2:23-cv-00155-GMN-EJY

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**[SECOND REQUEST]**

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19 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of  
20 record, hereby stipulate and request that this Court extend discovery in the above-captioned case by  
21 sixty (60) days, up to and including *Friday, April 26, 2024* in order to allow this matter to be  
22 submitted to mediation before the Honorable Trevor Atkin which the parties have agreed to.  
23 Specifically, the parties are in the process of confirming a mediation date with Judge Atkin for a  
24 date in March 2024. In addition, the parties request that all other future deadlines contemplated by  
25 the Discovery Plan and Scheduling Order be extended pursuant to the Local Rules. In support of  
26 this Stipulation and Request, the parties state as follows:

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**DISCOVERY COMPLETED**

1. On December 15, 2022, Plaintiff filed her Complaint.
2. On January 30, 2023, Defendant removed the case to the U.S. District Court.
3. On February 9, 2023, Defendant filed its Answer to Plaintiff's Complaint.
4. On February 9, 2023, Defendant served its first set of written discovery on Plaintiff.
5. On March 13, 2023, Plaintiff served her responses to Defendant's first set of requests for admissions.
6. On March 16, 2023, Plaintiff served its initial FRCP disclosures.
7. On March 16, 2023, Plaintiff served her initial FRCP disclosures.
8. On March 20, 2023, Defendant served its second set of written discovery on Plaintiff.
9. On April 4, 2023, Defendant served its first supplemental FRCP disclosures.
10. On April 10, 2023, Plaintiff served her first supplemental FRCP disclosures.
11. On April 12, 2023, Plaintiff served her responses to Defendant's first set of interrogatories, and requests for production of documents.
12. On April 14, 2023, Plaintiff served her responses to Defendant's second set of requests for production of documents and request for admissions.
13. On April 17, 2023, Plaintiff served her second supplemental FRCP disclosures.
14. On April 17, 2023, Plaintiff served her responses to Defendant's second set of interrogatories.
15. On April 25, 2023, Defendant served its second supplemental FRCP disclosures.
16. On May 10, 2023, Defendant served its third supplemental FRCP disclosures.
17. On May 19, 2023, Defendant took the deposition of Jan Sabraski.
18. On May 22, 2023, Defendant served its fourth supplemental FRCP disclosures.
19. On May 22, 2023, Defendant took the deposition of Plaintiff, Marilyn Bianchi-Rossi.
20. On July 19, 2023, Defendant served its fifth supplemental FRCP disclosures.
21. On September 5, 2023, Plaintiff served her 3<sup>rd</sup> Supplemental FRCP disclosures.
22. On October 5, 2023, Plaintiff served her 4<sup>th</sup> Supplemental FRCP disclosures.
23. On December 28, 2023, Defendant served its Initial Designation of Expert

Witnesses.

24. On December 28, 2023, Plaintiff served her Initial Designation of Expert Witnesses.

25. On January 5, 2024, Plaintiff served written discovery on Defendant. Defendant's responses are Due on February 8, 2024.

### **DISCOVERY REMAINING**

1. The parties will continue participating in written discovery.

2. Defendant will collect Plaintiff's medical records.

3. Plaintiff will depose State Farm's representatives if desired.

4. Plaintiff will depose Defendant's FRCP 30(b)(6) witness(es).

5. The parties may depose all other witnesses ascertained through discovery, such as potentially including Plaintiff's medical treatment providers and claims adjusters.

6. The parties will designate rebuttal expert witnesses and may conduct depositions of those expert witnesses.

### **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, the parties seek this extension solely for the purpose of allowing sufficient time to conduct discovery and for the parties to attend and complete mediation with Judge Atkin.

The parties have been co-operative and diligent in moving the case forward: participating in a reasonable amount of discovery, including exchanging their initial and supplemental lists of witnesses and documents; propounding written discovery requests and preparing written responses thereto; co-operating with records procurement and disclosures; and conducting the deposition of Plaintiff and other fact witness depositions. The parties were scheduled to mediate this matter on January 11, 2024, with Judge Atkin. The January 11<sup>th</sup> mediation was moved at the request of State Farm to a later date to have its experts review and respond to recent initial expert disclosures made on December 29, 2023. To make mediation efforts more productive and to give the parties sufficient

time to complete discovery should mediation efforts fail; the parties are requesting this brief extension.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3. This stipulation is made more than 21 days before the expiration of any deadlines.

This is the second request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Monday, February 26, 2024</i>	<i>Friday, April 26, 2024</i>
Deadline to Amend Pleadings or Add Parties	<i>Monday, November 27, 2023</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	<i>Thursday, December 28, 2023</i>	<i>Closed</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Thursday, January 25, 2024</i>	<i>No Change</i>
Dispositive Motions	<i>Monday, March 25, 2024</i>	<i>Monday, May 27, 2024</i>
Joint Pretrial Order	<i>Wednesday, April 24, 2024</i>	<i>Wednesday, June 26, 2024</i> <i>If dispositive motions are pending, then the parties will serve their Joint Pretrial Order within thirty days of the Court's order as to the parties' dispositive motions.</i>

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1 WHEREFORE, the parties respectfully request that this Court extend the discovery period  
2 by sixty (60) days from the current deadline of *Monday, February 26, 2024*, up to and including  
3 *Friday, April 26, 2024*, and the other dates as outlined in accordance with the table above.

4 DATED this 11th day of January, 2024.

DATED this 11th day of January, 2024.

5 LEWIS BRISBOIS BISGAARD & SMITH LLP

REMMEL LAW FIRM.

6 /s/ Jennifer A. Taylor

/s/ Jonathan T. Remmel

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10 *Attorneys for Defendant State Farm*

*Mutual Automobile Insurance Company*

11 **ORDER**

12 **IT IS SO ORDERED:**

13 Dated this 17th day of January, 2024.

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16 UNITED STATES MAGISTRATE JUDGE